

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figure 1. These sheets replace the original Figure 1. Figure 1 has been amended to insert “Prior Art”.

Applicants respectfully traverse the objection to the drawings as allegedly failing to comply with 37 CFR 1.84(p)(4) because reference characters “204” and “700” have both been used to designate wireless modem. 37 CFR 1.84(p)(4) requires that the same part must have the same reference number. However, Applicants respectfully submit that the wireless GSM modem 204 in FIG. 2 is not exactly the same as the wireless modem 700 in FIG. 7. In particular, FIG. 7 shows a particular example of a wireless modem 700 having particular components and connectivity of components. The GSM modem 204 is not required to have these particular components and connectivity of components. It is to be interpreted broader to potentially cover other types of wireless GSM modems. Accordingly, Applicants respectfully request that the objection be withdrawn.

REMARKS

The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

Un-Initialled References From Information Disclosure Statements

Enclosed with this response is an Information Disclosure Statement (IDS) including copies of references from previously IDS's that have not yet been initialled as having been considered by the Examiner. Applicants respectfully request that the Examiner consider and initial these references.

Drawings

The objections to the drawings are discussed in the section entitled Amendment to the Drawings.

Specification

The Examiner has objected to the specification for various reasons detailed in the present Office Action.

Applicant respectfully submit that the specification has been amended to overcome the objections. Accordingly, Applicants respectfully request that the Examiner withdraw the objections to the specification.

Claim Objections

The Examiner has objected to claims 26, 32-49, and 53 for various reasons.

Applicant respectfully submit that these claims have been amended to overcome the objections. Accordingly, Applicants respectfully request that the Examiner withdraw the objections to these claims.

35 U.S.C. § 101 Rejection

The Examiner has rejected claims 56-60 under 35 U.S.C. § 101.

Applicants respectfully request that claims 56-60 have been amended to overcome the rejection. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of these claims.

35 U.S.C. §103(a) Rejection – AAPA, PCCA

The Examiner has rejected claims 56-60 under 35 U.S.C. §103(a) as being unpatentable over Applicant Admitted Prior Art (hereinafter “AAPA”) in view of PCCA standard STD-101 Annex f “Data Transmission Systems and Equipment-Serial Asynchronous Automatic Dialing and Control for Character Mode DCE on Wireless Data Services-Annex F: Miscellaneous Commandds”, PCAA, October 1994, pages 1-10 (hereinafter “STD-101”).

Claim 56 pertains to:

“A device comprising:

a data structure embodied in a computer-readable medium comprising:

a short message service message, the short message service message including modem management information, wherein the modem management message includes program code that can execute on a wireless modem”.

AAPA and STD-101 do not teach or suggest these limitations. In particular, AAPA and STD-101 do not disclose or render obvious “a short message service message, the short message service message including modem management information, wherein the modem management message includes **program code that can execute on a wireless modem**”.

For at least one or more of these reasons, claim 56 and its dependent claims are believed to be allowable over AAPA and STD-101.

Statutory Double Patenting

The Examiner has rejected claims 23-28 and 29 under 35 U.S.C. § 101 as claiming the same invention as claimed in prior U.S. Patent No. 6,697,421.

Applicants respectfully submit that claim 23 has been amended to overcome the rejection. Accordingly, Applicants respectfully request that the rejection of these claims be withdrawn.

Non-Statutory Obvious Type Double Patenting

The Examiner has rejected claims 30, 31, 32-39, 40, 41-48, 49, 50-55, and 56-60 on the grounds of non-statutory obvious type double patenting as being unpatentable over the claims of U.S. Patent No. 6,697,421.

Without admitting the appropriateness of the non-statutory obvious type double patenting rejections, the Applicants submit herewith a Terminal Disclaimer in reference to U.S. Patent No. 6,697,421 signed by a registered agent to overcome the non-statutory obvious type double patenting rejection. Accordingly, the Applicants respectfully submit that the rejection has been overcome and request that the rejection be withdrawn.

Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the cited art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: January 16, 2008

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FIG. 1
(Prior Art)

